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*Attorneys for Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC*

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
  
 USA CAPITAL REALTY ADVISORS, LLC,  
  
 USA CAPITAL DIVERSIFIED TRUST DEED  
 FUND, LLC,  
  
 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
  
 USA SECURITIES, LLC,  
  
 Debtors.

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under  
 Case No. BK-S-06-10725-LBR

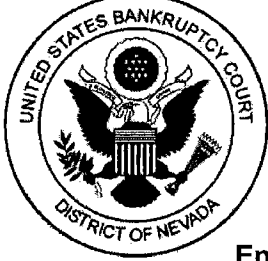
**NOTICE OF ENTRY OF ORDER  
 SUSTAINING OMNIBUS  
 OBJECTION OF POST-EFFECTIVE  
 DATE USA CAPITAL DIVERSIFIED  
 TRUST DEED FUND, LLC, TO  
 CLAIMS FILED BY JAMES W.  
 SHAW, FIRST TRUST COMPANY OF  
 ONAGA, CUSTODIAN FOR  
 CHARLES CUNNINGHAM, SR., IRA,  
 DOROTHEA K. OVERLEESE  
 REVOCABLE TRUST, HALSETH  
 FAMILY TRUST, KATRINE  
 MIRZAIAN, ERNEST J. MOORE,  
 DARLENE TURNER, DONALD AND  
 BEVERLY SWEZEY 2001 TRUST,  
 AND DAVID B. KRYNZEL**

**Affects:**

- ☐ All Debtors  
☐ USA Commercial Mortgage Company  
☐ USA Securities, LLC  
☐ USA Capital Realty Advisors, LLC  
☒ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA First Trust Deed Fund, LLC

Hearing Date: July 27, 2007  
 Hearing Time: 9:30 a.m.  
 Hearing Place: Courtroom 1





Entered on Docket  
August 07, 2007

Hon. Linda B. Riegler  
United States Bankruptcy Judge

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DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,  
LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725 LBR  
Case No. BK-S-06-10726 LBR  
Case No. BK-S-06-10727 LBR  
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Chapter 11

Jointly Administered Under  
Case No. BK-S-06-10725-LBR

**ORDER SUSTAINING OMNIBUS  
OBJECTION OF POST-EFFECTIVE  
DATE USA CAPITAL DIVERSIFIED  
TRUST DEED FUND, LLC, TO  
CLAIMS FILED BY JAMES W.  
SHAW, FIRST TRUST COMPANY  
OF ONAGA, CUSTODIAN FOR  
CHARLES CUNNINGHAM, SR., IRA,  
DOROTHEA K. OVERLEESE  
REVOCABLE TRUST, HALSETH  
FAMILY TRUST, KATRINE  
MIRZAIAN, ERNEST J. MOORE,  
DARLENE TURNER, DONALD AND  
BEVERLY SWEZEY 2001 TRUST,  
AND DAVID B. KRYNZEL**

## Affects:

- ☐ All Debtors  
☐ USA Commercial Mortgage Company  
☐ USA Securities, LLC  
☐ USA Capital Realty Advisors, LLC  
☒ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA First Trust Deed Fund, LLC

Hearing Date: July 27, 2007

Hearing Time: 9:30 a.m.

Courtroom: 1

The Court, having considered the Omnibus Objection of Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC, To Claims Filed By James W. Shaw, First Trust Company Of Onaga, Custodian For Charles Cunningham, Sr., IRA, Dorothea K. Overleese Revocable Trust, Halseth Family Trust, Katrine Mirzaian, Ernest J. Moore, Darlene Turner, Donald and Beverly Swezey 2001 Trust, and David B. Krynzel (the "Objection"), the Response filed by Donald and Beverly Swezey, Trustees of the Donald Swezey and Beverly W. Swezey 2001 Trust, and Diversified's subsequent Reply; having reviewed the pleadings, papers and records on file in this action; and having considered the representations of counsel, Anne M. Loraditch, of the law firm of Beckley Singleton, Chtd., appearing on behalf of Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC ("Diversified"); with no other appearances being noted on the record; appropriate notice of the Objection having been given; and for good cause appearing:

**IT IS HEREBY ORDERED** that the Objection is sustained.

**IT IS FURTHER ORDERED** that the claims listed on Exhibit 1, attached hereto and made a part hereof, shall be disallowed in their entirety, and the claimants shall not be entitled to any distribution from USA Capital Diversified Trust Deed Fund, LLC, with respect to such claims.

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1 PREPARED AND RESPECTFULLY SUBMITTED BY:

2 **BECKLEY SINGLETON, CHTD.**

3 By /s/ Anne M. Loraditch

4 BOB L. OLSON, ESQ.

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5 ANNE M. LORADITCH, ESQ.

Nevada Bar No. 8164

6 530 Las Vegas Boulevard South

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8 and

9 **ORRICK, HERRINGTON & SUTCLIFFE LLP**

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12 *Attorneys for Post-Effective Date USA Capital*

13 *Diversified Trust Deed Fund, LLC*

14  
15 **APPROVED**/DISAPPROVED:

16 **DONALD SWEZEY AND BEVERLY W. SWEZEY 2001 TRUST**

17 By /s/ Donald Swezey, Beverly Swezey

18 DONALD SWEZEY, TRUSTEE

19 BEVERLY W. SWEZEY, TRUSTEE

3666 Cherokee Drive

20 Carson City, Nevada 89705

21 **APPROVED**/DISAPPROVED:

22 **OFFICE OF THE UNITED STATES TRUSTEE**

23 By /s/ August B. Landis

24 AUGUST B. LANDIS

300 Las Vegas Boulevard, Suite 4300

25 Las Vegas, Nevada 89101

**RULE 9021 DECLARATION**

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ I have delivered a copy of the proposed order to the Office of the United States Trustee and the parties who filed papers in response to the Objection or appeared at the hearing noted above, and each has:
- ☒ approved the form of this order; and/or
- ☐ waived the right to review the order; and/or
- ☐ failed to file and serve papers in accordance with LR 9021(c); and the following have disapproved the form of the order:
- n/a
- ☐ No opposition was filed to the motion and no other party or counsel appeared at the hearing.

**BECKLEY SINGLETON, CHARTERED**

By: /s/ Anne M. Loraditch  
Anne M. Loraditch (Nevada Bar No. 8164)  
530 Las Vegas Boulevard South  
Las Vegas, Nevada 89101

**EXHIBIT 1**

<b>Claim No.</b>	<b>Claimant</b>	<b>Claim Amount</b>
138	James W. Shaw	\$26,432.00
139	First Trust Company of Onaga, Custodian for Charles Cunningham, Sr., IRA	\$72,070.98
140	Dorothea K. Overleese Revocable Trust	\$100,000.00
141	Daniel R. Halseth & Sandra K. Halseth, TTEES of the Halseth Family Trust Totally Restated 4/21/00	\$Unknown
142	Katrine Mirzaian	\$344,011.56
143	Ernest J. Moore	\$48,047.32
144	Darlene Turner	\$24,023.66
145	Donald Swezey and Beverly W. Swezey 2001 Trust	\$48,465.59
146	David B. Krynzel	\$147,081.54
147	David B. Krynzel	\$147,081.54

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